IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

RP.No. 1093 of 2007(T)

AGAINST THE JUDGEMENT/ORDER IN WPC.8773/2007

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PETITIONER-4TH RESPONDENT:

PARUMALA MILK PRODUCERS CO-OPERATIVE
SOCIETY PT 6 (D) APCOS, PARUMALA,
THIRUVALLA, RPERESENTED BY ITS PRESIDENT.

BY ADV. SRI.V.G.ARUN

RESPONDENTS: PETITIONER & RESPONDENTS 1,2,3,5:

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1. M.P.SHAM MOHANAN NAIR, RESIDING
AT MADATHIL MALAYIL, CHANDRAMATHI BHAVANAM,
PARUMALA, THIRUVALLA.

2. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVT. DEPARTMENT OF
DIARY DEVELOPMENT, TRIVANDRUM.

3. THE DEPUTY DIRECTOR,
DEPARTMENT OF DIARY DEVELOPMENT,
PATHANAMTHITTA.

4. ASSISTANT MANAGER (P AND I) TRIVANDRUM
REGIONAL CO-OPERATIVE MILK PRODUCERS
UNION LTD, KUTTIYIL JUNCTION, MANNAR PO
ALAPPUZHA.

5. SURENDRAN B.SUB COMMITTEE CONVENOR
PARUMALA MILK PRODUCERS CO-OPERATIVE
SOCIETY PT.6 (D) APCOS, PARUMALA,
THIRUVALLA.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.M.JOSEPH, J.

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R.P. NO.1093 OF 2007 IN
WP.(C) No. 8773 of 2007

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Dated this the 15th day of November, 2007

ORDER

I heard learned counsel for the petitioner. This court disposed of the writ petition on the basis that a Milk Society does not come under Appendix III to Section 80 of the Co-operative Societies Act. In this review petition, the petitioner does not dispute that the Society does not fall in the said appendix. A new case is sought to be set up that the dispute of the nature involved in this case will still have to be considered by the authority under Section 69 of the Act for the reason that it falls under Section 69(1)(c) of the Act. This was not a point which was canvassed by the parties when the writ petition was disposed of. Even though Sri. T.R.Harikumar made an attempt to establish it in this review petition, I feel that I should not permit him to canvass this point in the review petition. I would think that, if at all, the remedy of the petitioner lies in carrying the matter in appeal.

Accordingly the review petition is dismissed.

(K.M. JOSEPH, JUDGE)

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